



City of Austin

Recommendation for Action

File #: 24-4335, Agenda Item #: 48.

4/4/2024

Posting Language

Conduct a public hearing and consider an ordinance adopting the Fifth Amendment to the Agreement Concerning Creation and Operation of Moore's Crossing Municipal Utility District, located in Austin's limited purpose jurisdiction, in southeastern Travis County east of FM 973 at the intersection of FM 973 and Elroy Road in Council District 2.

Lead Department

Planning Department.

Fiscal Note

This item has no fiscal impact.

For More Information:

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Council Committee, Boards and Commission Action:

Planning Commission - March 12, 2023, Approved on the consent agenda.

Additional Backup Information:

In 1986, the City of Austin consented to the creation of the Moore's Crossing Municipal Utility District ("MUD") as an in-city MUD. The Agreement Concerning Creation and Operation of Moore's Crossing Municipal Utility District ("Agreement") between the City and the MUD contains provisions regarding development requirements for future development within the MUD, including affordable housing requirements, developer reimbursement rates, and allowable uses from issued bonds.

In 1994, the first amendment to the Agreement deferred by five years the first possible date for the City to dissolve the MUD because of delays in starting the development within the MUD.

In 1996, and pursuant to 74(R) S.B. 1396, the MUD converted from full purpose to limited purpose. In order to restore the MUD to the city's full purpose jurisdiction, the City must assume outstanding obligations and follow other procedural requirements as prescribed by law.

In 1998, the second amendment to the Agreement provided for a reduction in the amount of reimbursement to the Developer to not exceed 70% of the actual cost for design and construction of internal water, wastewater, drainage, and water quality facilities.

In 2003, the Agreement and Land Plan were amended again to reflect the amount and location of land to be dedicated to the City for parkland, affordable housing, and for sites for fire stations, emergency medical services, and library facilities and to update the proposed alignment of Elroy Road and Ross Road.

In 2017, Council approved the fourth amendment to the Agreement to update provisions regarding the developer's obligations for right-of-way dedication and roadway improvements but denied the increase in bond

reimbursement.

The proposed fifth amendment to the Agreement would increase the Developer's bond reimbursement from 70% to 100%; require the Developer to pay a total of 8 % of cash proceeds from bond issuance to City of Austin Housing and Community Development in lieu of onsite housing construction; and require the Developer to pay to the District a total of 2% of the net cash proceeds from each bond issued to be invested in District park facilities.